

FEB 17 2010

AO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

Clerk of Court

Southern

DISTRICT OF

Texas

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Jose Antonio Sanchez-Zapata
YOB: 1985 Mex CTZ

Case Number: M-10-0943-M

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 8/27/2008 in Hidalgo County, in the Southern District of Texas defendant(s) did,

(Track Statutory Language of Offense)

UNLAWFULLY, KNOWINGLY AND INTENTIONALLY MOVING OR TRAVELING IN INTERSTATE OR FOREIGN COMMERCE FROM THE STATE OF TEXAS, WITH THE INTENT TO AVOID PROSECUTION OR CUSTODY FOR THE CHARGE OF MURDER, IN VIOLATION OF THE TEXAS PENAL CODE.

in violation of Title 18 United States Code, Section(s) 1073.

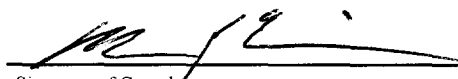
I further state that I am a(n) SPECIAL DEPUTY US MARSHAL and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT HEREBY INCORPORATED BY REFERENCE AS IF FULLY RESTATED HEREIN.

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Approved to File
Terry L Leonard
Asst U.S. Attorney



Signature of Complainant

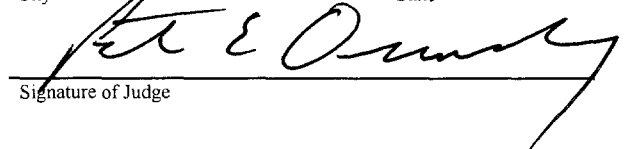
Marc Salinas
Printed Name of Complainant

Sworn to before me and signed in my presence,

February 17, 2010 at

McAllen, Texas
City State


Name of Judge
U. S. Magistrate Judge


Signature of Judge

**United States District Court
Southern District of Texas
McAllen Division**

Affidavit of Marc Salinas

The Said affiant having been duly sworn, deposes and says:

1. I, Marc Salinas, am a City of Weslaco, Texas Police Investigator and have been so employed for approximately 10 years. I am currently assigned to the United States Marshal Service Fugitive apprehension Task Force team and am a sworn Special Deputy US Marshal. I am currently assigned to the McAllen Division of the Southern District of Texas of the United States Marshal Service. During the course of my employment, I have investigated various crimes of violence and conducted numerous fugitive investigations.
2. On August 23, 2008, JOSE ANTONIO SANCHEZ-ZAPATA allegedly caused the death of Robert Castro Jr., by shooting him with a gun at 1310 North Texas Blvd. in the City of Weslaco, County of Hidalgo, State of Texas.
3. On August 22, 2008 Elissa Castro reported her 2003 Dodge truck stolen from the Stripes Store located at 102 West Expressway 83 in Weslaco, Texas 78596. In the surveillance footage of the theft of vehicle that occurred at the Stripes Convenience Store, it was shown that two male subjects arrived at the store in a white Lincoln Town car. On the same video it shows Mrs. Castro arrive at the store in her Dodge truck, get out leaving the keys in the ignition and enter into the store. The two male subjects return to their vehicle and noticed Mrs. Castro enter into the store. The video shows a thin male subject, walk over to Mrs. Castro's vehicle, climbs in, and drives off. The video surveillance footage was shown to a criminal informant. The criminal informant identified the male subject who took the truck as Victor Olivares.
4. On August 23, 2008 Hidalgo County Sheriff's Office responded to the area of 12 North on Mile 6 ½ west around 1:30 a.m. in regards to an Aggravated Robbery. The victims in the case stated in the report to the Deputy that two vehicles had blocked them off one being a Dodge truck. Several male subjects approached the victims and showed a gun. The male victim ran into a corn field, as he was running he heard 2-3 shots fired at him. The female victim ran to her car and attempted to flee the area. A male subject stated that if she looked at him he would shoot her. Fearing for her life she did not look at the male subject, the male subject demanded her purse, to which she complied. Through the course of the investigation it was found that the shooter in this case was JOSE ANTONIO SANCHEZ-ZAPATA.
5. On August 23, 2008 Mrs. Castro along with her husband and four children, were driving around looking for their truck. Mrs. Castro saw her truck traveling south on Texas Blvd. Mrs. Castro followed the truck into the Murphy USA gas station located at 1310 North Texas Blvd. The Dodge truck pulled up behind another vehicle by the gas pumps. Mrs. Castro pulled over behind the truck and began calling the police department.
6. Mrs. Castro's husband, Robert Castro Sr. exited the vehicle and approached the truck in an attempt to recover their property. Mrs. Castro's son, Robert Castro Jr. exited their vehicle too. Mrs. Castro reported that as her husband approached the truck, it reversed at a high rate of speed. Mrs. Castro heard a gun shot ring out, Mrs. Castro saw her son clinching his chest, then fall to the ground. EMS was called to the scene, paramedics began treating Mr. Castro, he was then transported to the Knapp Medical Center where he was pronounced dead by Emergency room Doctor Jorge Martinez at 8:18 p.m..

7. Weslaco Police Investigators were able to locate Victor Olivares. Mr. Olivares was taken to Weslaco Police Department where his Miranda Warning was read to him. Mr. Olivares signed the warning and waived his rights. Mr. Olivares confessed to committing the theft of motor vehicle. Victor Olivares stated that even though he was in the Dodge truck when Mr. Castro was shot, he did not do the shooting. According to Mr. Olivares, the person who shot and killed Robert Castro Jr. was JOSE ANTONIO SANCHEZ-ZAPATA.

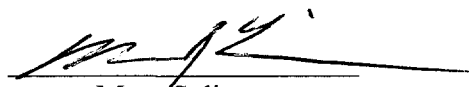
8. On August 27, 2008, the Weslaco Municipal Court Judge issued a warrant, number 148902 for the arrest of JOSE ANTONIO SANCHEZ-ZAPATA. ZAPATA was charged with Capital Murder, which is a felony of the first degree in the State of Texas.

9. On August 27, 2008 Weslaco Police Department went to ZAPATA's residence. It was determined by investigators that ZAPATA had left the residence. ZAPATA's family stated that ZAPATA had gone to Mexico. ZAPATA was arrested in Mexico for an unrelated charge and is currently being housed at El Serezo Jail in Matamoros, Tamaulipa Mexico.

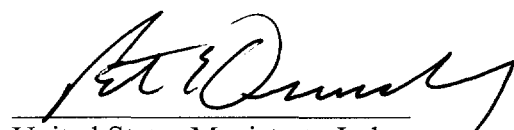
10. On February 2, 2010, Hidalgo County Assistant District Attorney Murray Moore issued a letter stating that the District Attorney's Office of Hidalgo County, Texas will extradite and prosecute JOSE ANTONIO SANCHEZ-ZAPATA, for the Murder of Robert Castro Jr. if he is arrested outside the State of Texas. Hidalgo County District Attorney will not seek the death penalty if ZAPATA is convicted of Murder.

Based on the foregoing, there is probable cause to believe that JOSE ANTONIO SANCHEZ ZAPATA has fled the State of Texas to avoid arrest and prosecution on the charge of First Degree Murder in violation of Title 18, United States Code, Section 1073.

Further the affiant sayeth not.


Mary Salinas
Special Deputy Marshal

Sworn to and subscribed before me
This 17th day of February 2010.


United States Magistrate Judge